

REMARKS

Claim 6 has been canceled without prejudice or disclaimer of the subject matter thereof.

Claims 1 - 2, 7, 20, 22 - 24, 28, 41 and 43 have been amended.

Claims 1 - 5 and 7 - 43 are present in the subject application.

In the Office Action dated December 22, 2005, the Examiner has objected to claims 20 and 41 due to informalities, and has rejected claims 1 - 43 under 35 U.S.C. §103(a). Reconsideration of the subject application is respectfully requested in view of the following remarks.

Initially, the Examiner has objected to claims 20 and 41 due to informalities. In particular, the Examiner suggests that the term “a gaming application” in claim 20 should be changed to “the gaming application”, while the term “said game controller” in claim 41 should be changed to “a game controller”. Accordingly, the term “a gaming application” within claim 20 has been changed to “said gaming application”, while the term “said game controller” within claim 41 has been changed to “a game controller”. Claims 20 and 41 are considered to overcome the objections.

The Examiner has rejected claims 1 - 10, 20 - 21, 23 - 31 and 41 - 42 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,044,772 (Gaudette et al.) in view of U.S. Patent Application Publication No. 2004/0038786 (Kuo et al.). Since claim 6 has been canceled, the rejection is moot with respect to this claim. Briefly, the present invention is directed toward a game controller support structure configured to require a user to operate a game controller in a standing position during game play. The support structure includes a frame with a base, a body support, a game controller and a stand. The stand is attached to the base and supports the game controller, while a user lower body is engaged by the body support. The stand and body support

may be adjustable to accommodate various users. In addition, the support structure may be in the form of an isometric exercise system that enables the user to perform isometric exercises during game play to interact with the game.

The Examiner takes the position that the Gaudette et al. patent discloses the claimed subject matter, except for the base including an elongated longitudinal member extending along the structure longitudinal axis and a plurality of elongated transverse members each secured to and extending transversely from a corresponding longitudinal member. The Examiner further alleges that the Kuo et al. publication discloses these features and that it would have been obvious to combine the Gaudette et al. patent and Kuo et al. publication to attain the claimed invention.

This rejection is respectfully traversed. However, in order to expedite prosecution of the subject application, independent claims 1 and 23 have been amended and recite the features of: the base in the form of a platform to directly support a user thereon; a rod secured to the base, wherein the game controller is directly attached to an upper portion of the rod; and a body support secured to the base to support a user lower body portion. In addition, independent claims 20 and 41 have been amended and recite the features of: the game controller including a plurality of individually manipulable input devices; and a rod with a game controller directly attached to an upper portion of the rod, wherein the rod provides an isometric exercise for the user and includes at least one sensor, and wherein applied force affects a measurable strain on the rod and indicates a desired action within the gaming application.

The Gaudette et al. patent does not disclose, teach or suggest these features. Rather, the Gaudette et al. patent is directed toward a video game stand that facilitates utilization of a control mechanism (such as a steering wheel and steering column connected to a controller) making it

easier to play the video game, and in some situations making a home video game much like an arcade game. A controller mounting platform has a substantially flat top surface and is supported by a mechanical support frame. The video game control mechanism is positioned on the platform by cooperating hook and loop fasteners, an adapter having a cavity which securely fits the video game control mechanism, and/or an elastic or substantially inelastic belt. The mechanical support frame includes a substantially “U” shaped base, a substantially “U” shaped support, and a diagonal support with the central support slidably connected to the base by a first connection, the diagonal support pivotally connected to the base by a second connection and the central support pivotally and slidably connected to the diagonal support by a third connection (e.g., See Abstract).

Thus, the Gaudette et al. patent discloses a video game stand to support a video game control mechanism. The stand includes a “U” shaped base with an open interior portion and a diagonal support connected to the base and to the platform to support the game control mechanism (e.g., See Fig. 1). There is no disclosure, teaching or suggestion of a platform directly supporting the user thereon and a body support secured to the base to support a user lower body portion as recited in independent claims 1 and 23. Further, the game control mechanism is supported on a platform, as opposed to being directly attached to an upper portion of a rod as recited in independent claims 1, 20, 23 and 41. In addition, there is no disclosure, teaching or suggestion of the rod providing an isometric exercise for the user and including a sensor, wherein applied force affects a measurable strain on the rod and indicates a desired action within the gaming application as recited in independent claims 20 and 41.

The Kuo et al. publication does not compensate for the deficiencies of the Gaudette et al. patent and similarly does not disclose, teach or suggest these features. Rather, the Kuo et al.

publication is directed toward a stretching exerciser and is merely utilized by the Examiner for an alleged teaching of a particular base structure.

Since the Gaudette et al. patent and Kuo et al. publication do not disclose, teach or suggest, either alone or in combination, the features recited in independent claims 1, 20, 23 and 41 as discussed above, these claims are considered to be in condition for allowance.

Claims 2 - 5, 7 - 10, 21, 24 - 31 and 42 depend, either directly or indirectly, from independent claims 1, 20, 23 or 41 and, therefore, include all the limitations of their parent claims. Claims 2, 7, 24 and 28 have been amended for consistency with their amended parent claims. The dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claims and for further limitations recited in the dependent claims.

The Examiner has rejected claims 11 - 19, 22, 32, 40 and 43 under 35 U.S.C. §103(a) as being unpatentable over the combination of the Gaudette et al. patent and Kuo et al. publication, and further in view of U.S. Patent No. 5,929,782 (Stark et al.). Briefly, the present invention is directed toward a game controller support structure configured to require a user to operate a game controller in a standing position during game play as described above.

The Examiner takes the position that the combination of the Gaudette et al. patent and Kuo et al. publication discloses the claimed subject matter, except for providing an isometric exercise, including a sensor in the rod to measure force, and including a processor for receiving and processing data corresponding to the applied force. The Examiner further alleges that the Stark et al. patent discloses these features and that it would have been obvious to combine the Gaudette et al. patent, Kuo et al. publication and Stark et al. patent to attain the claimed invention.

This rejection is respectfully traversed. Initially, claims 11 - 19 and 32 - 40 depend, either directly or indirectly, from independent claims 1 and 23, respectively, and therefore include all the limitations of their parent claims. As discussed above, the combination of the Gaudette et al. patent and Kuo et al. publication does not disclose, teach or suggest the features of a base in the form of a platform to directly support a user thereon, a rod secured to the base wherein a game controller is directly attached to an upper portion of the rod, and a body support secured to the base to support a user lower body portion as recited in the claims. The Stark et al. patent does not compensate for the deficiencies of the Gaudette et al. patent and Kuo et al. publication. Rather, the Stark et al. patent is directed toward a communication system for an instrumented orthopedic restraining device as described below.

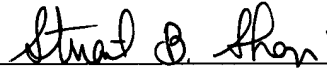
Claims 22 and 43 depend, either directly or indirectly, from independent claims 20 and 41, respectively, include all the limitations of their parent claims. Claims 22 and 43 have been amended for consistency with their amended parent claims. As discussed above, the combination of the Gaudette et al. patent and Kuo et al. publication does not disclose, teach or suggest a rod with a game controller directly attached to an upper portion of the rod, and the rod providing an isometric exercise for the user and including at least one sensor wherein applied force effects a measurable strain on the rod and indicates a desired action within a gaming application. The Stark et al. patent does not compensate for the deficiencies of the Gaudette et al. patent and the Kuo et al. publication. Rather, the Stark et al. patent is directed toward a system and method for communicating an orthopedic parameter signal between a remote communication unit and a central site monitoring station. The orthopedic signal includes a value representative of a total torque output by an individual over a period of time as measured by a personal orthopedic restraining device. The restraining device restrains movement of a first

flexibly connected body portion relative to a second body portion. Communication is accomplished by receiving the orthopedic parameter signal at the remote unit from the orthopedic device.

Although the Stark et al. patent discloses an isometric restraining device (e.g., See Fig. 2 and Column 17, lines 38 - 50), there is no reason, motivation or suggestion to combine the isometric restraining device with the Gaudette et al. stand structure absent prohibited hindsight derived from Applicants' own disclosure. In particular, the Examiner construes the diagonal support of the Gaudette et al. stand as the claimed rod. The diagonal support is connected to the base and to the platform to support the platform and the game control mechanism on the platform. The notion that one of ordinary skill in the art may take an orthopedic restraining device for user limbs as disclosed in the Stark et al. patent and utilize that device or attach the device to a structural support of a game stand is totally misplaced. The diagonal support of the Gaudette et al. patent is specifically utilized as a support structure and there is absolutely no disclosure, teaching or suggestion to modify the function of that support structure to provide exercise as recited in the claims. Accordingly, the combination of the Gaudette et al. patent, Kuo et al. publication and Stark et al. patent does not disclose, teach or suggest the features recited in claims 11 - 19, 22, 32 - 40 and 43. Thus, these claims are considered to be in condition for allowance.

The application, having been shown to overcome issues raised in the Office Action, is considered to be in condition for allowance and a Notice of Allowance is earnestly solicited.

Respectfully submitted,



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